

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ESTATE OF CINDY LOU HILL, by and
through its personal representative, Joseph A.
Grube; and CYNTHIA METSKER,
individually,

Plaintiffs,

v.

NAPHCARE, INC, an Alabama corporation;
HANNAH GUBITZ, individually; and
SPOKANE COUNTY, a political subdivision of
the State of Washington,

Defendants.

Case No. 2:20-CV-0410-MKD

CIVIL MINUTES

DATE: 2/8/2022

LOCATION: Spokane Video Conference

MOTION HEARING

JUDGE MARY K. DIMKE

Linda Hansen	LC 02	Allison Anderson
Courtroom Deputy	Law Clerk	Interpreter
Edwin S Budge, Erik J Heipt and Hank L Balson	John E Justice <i>for Def Spokane County</i> Ketia B Wick and Erin Ehlert <i>for Def Naphcare</i>	
Plaintiff's Counsel	Defense Counsel	

☐ **Open Court**

☐ **Chambers**

☒ **Video-Conference**

All parties present by video-conference. The Court has reviewed the submission of the parties.

Motion before the Court: *Plaintiffs' Rule 37(e) Motion for Default Judgment and other Sanctions against Defendant Spokane County for Spoilation of Evidence, ECF No. 28.*

The Court inquired regarding the status of production of the information requested by Plaintiffs, which is the basis for Plaintiffs' motion. John Justice responded. The Court confirmed that the information requested by Plaintiffs has not been produced to date.

Ed Budge addressed the Court in support of Plaintiffs' motion.
The Court questioned Mr. Budge.

John Justice argued in opposition to Plaintiffs' motion.
The Court questioned Mr. Justice.

Additional argument made by Mr. Budge.

The Court directed the parties to provide the exhibits used in argument today to the Court.

The Court directed the Naphcare defendants to submit briefing on this matter by 3/4/2022. All parties may submit supplemental briefing by 3/4/2022 for consideration at the hearing on 3/23/2022.

The Court inquired regarding the status of mediation and offered the services of Judges in the District to act as mediators. Mr. Budge advised that the parties have attempted mediation through a private mediator.

The Court took the matter under advisement and will issue a written order.

CONVENED: 10:01 AM	ADJOURNED: 11:05 AM	TIME: 1 HR/4 MINS	ORDER FORTHCOMING [X]
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